

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-2267V

UNPUBLISHED

HOLLY O'DEA, as personal
representative of the Estate of Dolores
Williams,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 16, 2023

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner.*

James Vincent Lopez, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On December 7, 2021, Holly O'Dea, as personal representative for the Estate of Dolores Williams, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that Ms. Williams suffered from Guillain-Barre Syndrome ("GBS") as a result of an influenza vaccination she received on October 16, 2020. Petition at 1. Ms. Williams died as a result of her GBS. *Id.* at ¶6-7. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 4, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation for Ms. Williams' GBS. On February 15, 2023, Respondent filed a proffer

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

on award of compensation ("Proffer") indicating Petitioner should be awarded \$355,022.64, representing \$250,000 for the death benefit, \$105,000 in actual pain and suffering, and \$22.64 in past unreimbursable expenses. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$355,022.64, representing \$250,000 for the death benefit, \$105,000 in actual pain and suffering, and \$22.64 in past unreimbursable expenses. in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

HOLLY O'DEA, as the Personal
Representative of the ESTATE OF DOLORES
WILLIAMS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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)
) No. 21-2267V
) Chief Special Master Corcoran
) ECF
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RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On December 7, 2021, Holly O'Dea ("petitioner") as personal representative of the Estate of Dolores Williams, decedent, filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, as amended ("the Vaccine Act" or "the Act"), 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleges the influenza vaccine administered to her mother, Dolores Williams, on October 16, 2020, caused her to develop Guillain-Barre Syndrome ("GBS"), ultimately leading to her death on November 4, 2020. On October 3, 2022, the Secretary of Health and Human Services ("respondent") filed a Rule 4(c) Report, concluding that Ms. Williams suffered GBS as defined by the Vaccine Injury Table, within the Table timeframe, and that her death was a complication of her treatment for GBS. ECF No. 19. On October 4, 2022, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 20.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of \$355,022.64 (\$250,000.00 for the death benefit; \$105,000.00 for pain and

suffering; and \$22.64 for unreimbursable past expenses). This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Respondent recommends that the Court award petitioner a lump sum payment of \$355,022.64, in the form of a check payable to petitioner, as the personal representative of the estate of her mother, Dolores Williams.¹ Petitioner agrees.

III. Summary of Recommended Payment

Lump sum payment to petitioner, HOLLY O'DEA, as personal representative of the ESTATE OF DOLORES WILLIAMS:	\$355,022.64
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Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

C. SALVATORE D'ALESSIO
Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

¹ Holly O'Dea has demonstrated that she is the legal representative of the Estate of Dolores Williams for the purposes of 42 U.S.C. § 300aa-11(b)(1)(A). *See* Petitioner's Exhibit 7.

/s/ James V. Lopez
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Date: February 15, 2023